

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PATRICIO R. MAMOT,

Plaintiff,

-v.-

BILINGUALS, INC, et al.,

Defendants.

-----X
GABRIEL W. GORENSTEIN, United States Magistrate Judge

Plaintiff's complaint in this matter describes the failure of an apparently private company to issue him a certificate following his attendance at a workshop and the company's conduct in a state court suit brought by plaintiff regarding this failure.

The complaint states that plaintiff is suing under 28 U.S.C. § 1331 but this statute provides only that district courts have subject matter jurisdiction over civil actions arising under federal law. The complaint does not indicate what federal law provides a basis for the lawsuit and the allegations of the complaint do not suggest that there is any such law.

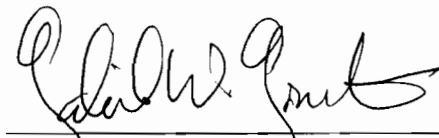
Accordingly, plaintiff is ordered to show cause why this case should not be dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim on which relief may be granted. The showing should be made by memorandum of law and must be filed by September 24, 2009. The Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York ((212) 805-0175) may be of assistance to plaintiff in connection with court procedures.

The only proof of service filed with the Court (Docket #3) does not reflect proper service. Accordingly, the defendants' time to answer has not yet begun to run. In the event plaintiff attempts to make service on the defendants, a copy of this Order must be included along with the summons and complaint. In addition, if proper service is ever made, the defendants' time to answer is extended until 30 days following the disposition of the instant order to show cause.

Finally, the application to request counsel (Docket #2) is denied based on the apparent frivolousness of the complaint.

SO ORDERED.

Dated: September 3, 2009
New York, New York

A handwritten signature in black ink, appearing to read 'Gabriel W. Gorenstein', written over a horizontal line.

GABRIEL W. GORENSTEIN
United States Magistrate Judge

Copy mailed to:

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